38

HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM: **HON'BLE SHRI H.L. DATTU, CJ. &**
HON'BLE SHRI D.R. DESHMUKH, J.

M.C.C. No. 332 of 2006

PETITIONERS	1.	Hagru Satnami S/o Basawan Satnami aged about 62 years, resident of Village Sewati, Tahsil & District Bilaspur (Chhattisgarh)
DEFENDANT LEGAL REPRESENTATIVE OF DEFENDANT	2.	Vijay son of Late Tetkuram Satnami, aged about 35 years, residents of Talapara, Bilaspur (Chhattisgarh)

VERSUS

RESPONDENTS PLAINTIFFS	1.	Shabbir Hussain s/o Late Rajjab Ali, aged about 59 years;
	2.	Abbas Ali s/o Late Rajjab Ali, aged about 55 years;
DEFENDANT	3.	Smt. Jugmati d/o Basawan Satnami, aged about 46 years, resident of Village Sewati, Tahsil & District Bilaspur (Chhattisgarh)
DEFENDANT LEGAL REPRESENTATIVE OF DEFENDANT	4.	Chandrashekhar s/o Late Tetkuram, aged about 35 years;
	5.	Santosh s/o Late Tetkuram, aged about 31 years

Present: Shri Upendra Nath Awasthi, Sr. Advocate with Ms. Raksha Awasthi, counsel for the petitioners.

ORAL ORDER

(Passed on 04th April, 2007)

The following oral order of the Court was passed by

H.L. Dattu, C.J. :

This review petition is filed to recall the order passed by this Court on I.A. No. 591 of 2005 in M.C.C. No. 531 of 1996. There is delay in filing the review petition, therefore, an application under Section 5 of the Limitation Act is also filed. Since we intend to reject the review petition, we firstly condone the delay in filing the review petition and thereafter we intend to decide the review petition on merits.

37

(2) M.C.C.No.531 of 1996 was filed by one Teetaku and two others who are residents of Gram Sewati against one Sabbir Hussain and others. The M.C.C. was against the judgment and decree passed by the Trial Court in Civil Suit No.51-A/1990, dated 13-12-1995.

(3) During the pendency of the M.C.C. I.A. No.591 of 2005 came to be filed by the applicants for withdrawal of the M.C.C. Learned Judges of this Court after recording the contents of the application have disposed of the same by order dated 16-03-2005. The order passed by this Court reads as under:-

> "This application has been filed by the appellants for withdrawal of the M.C.C.(FA) against the judgment and decree dated 13/12/1995 passed by the learned District Judge, Bilaspur in Civil Suit No. 51-A of 1990 (Sabbir Husain and another Vs. Tetaku and others). It is stated that the matter has been compromised between the parties out of Court and the terms of the compromise have also been indicated therein."
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> *(Emphasis supplied by us)*

(4) This review petition is filed by one Hagru Satnami and Vijay who are supposed to be the legal representatives of the applicant. In fact, after the death of Teetaku, the review petitioners were brought on record as his legal representatives.

(5) A learned counsel had appeared for all the legal representatives. The learned counsel on receiving instructions from the legal representatives, it appears, had filed I.A. No. 591 of 2005. Now, it is the grievance of the legal representatives that they had not consented for withdrawal of the M.C.C.

(6) This Court has proceeded to dispose of the M.C.C. on the application filed by the legal representatives of late Teetaku. The legal representatives were represented by the learned counsel. Learned counsel must have filed an application only after receiving proper instructions from his client. Now, some of the legal representatives of

Teetaku on the pretext that they had not consented for withdrawal of the M.C.C. cannot be maintaining the review petition before us. In that view of the matter, we decline to entertain this review petition. Therefore, the review petition is requires to be rejected and accordingly it is rejected. Liberty is reserved to the petitioners, if they so desire, to go before the appropriate forum for appropriate relief, if time permits. Ordered accordingly.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge